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Mr. Frederick N. Clarke, Commissioner  
Motor Vehicle Department  
Concord, New Hampshire

OCT 01 1998

CONCORD, N.H.

Dear Sir:

This is in response to your recent inquiry whether a person under eighteen years of age holding an operator's license only may lawfully operate a truck (bearing other than farm registration) belonging to his parents. We answer in the negative.

RSA 261:20 contains a prohibition against any person's operating a truck - "except one owned by himself" - unless he hold a commercial operator's license. By RSA 261:21 such license may not be issued to a person under eighteen years of age. The net effect of the two provisions is effectively to prohibit the operation of a truck by a person under eighteen years of age, unless a truck owned by his parents may be deemed to be "one owned by himself."

We find no authorities in the law which would support the proposition that there is such identity between a parent and his child that the property of the former may be said that of the latter.

Very truly yours,

Warren E. Waters  
Deputy Attorney General

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